

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RICHARD PARSHALL,

Plaintiff,

vs.

MENARD, INC. d/b/a MENARDS

and

DANIEL STREIBIG,

Defendants.

MENARD, INC. d/b/a MENARDS,

Third-Party Defendant,

vs.

DANIEL STREIBIG,

Third-Party Defendant.

Case No. 4:16 CV 828 RWS

MEMORANDUM AND ORDER OF REMAND

Plaintiff Richard Parshall filed this action in state court asserting a claim for personal injuries he sustained while shopping at Defendant Menards' store.

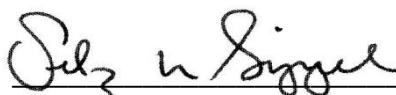
Parshall was injured when an item recently replaced by another customer, Daniel Streibig, fell and struck Parshall. Menards removed the case to this Court on diversity grounds and added Defendant Daniel Streibig as a third-party defendant. Parshall subsequently moved to add Streibig as a defendant but that motion was

denied. Streibig, as a third-party defendant, moved for summary judgment which was granted. The case was recently transferred to me.

Upon review of the case I find that Parshall should have been allowed to add Streibig as a defendant in this matter after this case was first removed. Moreover, I find that summary judgment was improvidently granted based upon the record before the Court. An arguable claim may be asserted against Streibig by Parshall. By a separate order today I granted Parshall's motion to amend his complaint to add a claim against Streibig. Parshall and Streibig are both residents of Missouri. As a result, diversity jurisdiction no longer exists in this matter and the case will be remanded to state court under 28 U.S.C. § 1447(e).

Accordingly,

IT IS HEREBY ORDERED that this case is **REMANDED** to the Circuit Court of St. Louis County, State of Missouri under 28 U.S.C. § 1447(e). The caption of the state court case was Parshall v. Menard, Inc. d/b/a/Menards, 15SL-CC04462.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of October, 2017.